

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE MANAGEMENT GROUP, LLC, et al,

Plaintiffs,

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| ELECTRONICALLY FILED      |
| DOC #: _____              |
| DATE FILED: <u>3/6/08</u> |

08 Civ. 2172(PKC)

-against-

ORDER

ANGEL MUSIC GROUP LTD., et al.,

Defendants.

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P. KEVIN CASTEL, District Judge:

Plaintiffs The Management Group, LLC (the "LLC"), Andrew Fox and Lee Heiman commenced an action in Supreme Court, New York County, against defendants Angel Music Group Ltd. ("Angel"), Neil Moffitt, Nick McCabe, Jessie Angles, Anu Dhami, Isabel Piaggi and Dan A. Vidal. Two of the defendants Angel and Moffet have removed the action to this Court invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. The removal petition must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000), citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998); Strother v. Harte, 171 F.Supp. 2d 203, 205 (S.D.N.Y. 2001) ("For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members."). I will require the plaintiffs who seek injunctive relief to file with this Court an affidavit or declaration as to the citizenship of natural persons who are members of the LLC and the place of incorporation and principal place of business of any corporate entities who are members of the LLC; plaintiffs' state court complaint alleges the residence of Fox and Heiman but not their state of citizenship and the affidavit or declaration should identify the state or foreign country of which each is a citizen.. The affidavit is due no

later than March 11.

It is not clear whether all defendants have joined in the removal petition and whether the plaintiffs seek to raise this possible deficiency as a ground for moving to remand.

In any event, defendants Angel and Moffet have removed this action with a temporary restraining order and briefing schedule in place. I direct counsel to fax their answering papers which were to have been served by noon yesterday to Chambers forthwith. I direct plaintiff to fax their moving papers forthwith.

I will conduct an evidentiary hearing on plaintiff's motion for a preliminary injunction, which had been scheduled by Justice Lowe for March 6 at 9:30 a.m. The hearing will be held on March 7, 2008 at 9:30 a.m. in Courtroom 12C.

SO ORDERED.



P. Kevin Castel  
United States District Judge

New York, New York  
March 6, 2008